

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jonathan Hutchinson	Team: Team # 1	CCRB Case #: 200805649	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 04/17/2008 6:00 PM	Location of Incident: 1.) § 87(2)(b) 2.) Inside the 71st Precinct stationhouse		Precinct: 71	18 Mo. SOL 10/17/2009	EO SOL 10/17/2009
Date/Time CV Reported Sat, 04/19/2008 11:37 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sat, 04/19/2008 11:37 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POF Marlene Welch	10748	898755	071 PCT
2. POM Paul Parkinson	10589	935466	071 PCT
3. POM Frank Bulzoni	02681	936258	071 PCT
4. Officers			
5. An officer			
6. SGT Dolores Pilnacek	03694	893523	071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Irene Peart	13058	905128	071 PCT
2. SGT Vincent Dambrosio	01329	925160	071 PCT
3. POF Ewa Lapinska	07695	935158	071 PCT
4. LCD Andrew Ferris	00000	913633	071 DET
5. DT3 Kevin McDonough	03634	901959	071 DET
6. DT2 Michael Sullivan	06396	900665	071 DET

Officer(s)	Allegation	Investigator Recommendation
A. SGT Dolores Pilnacek	Abuse: Sgt. Dolores Pilnacek authorized the entry and search of § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B. Officers	Discourtesy: Inside § 87(2)(b) in Brooklyn, officers spoke obscenely and/or rudely to § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C. Officers	Force: Inside § 87(2)(b) in Brooklyn, officers pointed their guns at § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
D. An officer	Force: Inside § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b)	§ 87(2)(b)
E. An officer	Off. Language: Inside § 87(2)(b) in Brooklyn, an officer made remarks to § 87(2)(b) based upon her sex.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
F.POM Paul Parkinson	Force: At § 87(2)(b) in Brooklyn, PO Paul Parkinson used physical force against § 87(2)(b)	
G.POM Paul Parkinson	Abuse: Inside a police vehicle, PO Paul Parkinson threatened § 87(2)(b) with the use of force.	
H. Officers	Force: Inside the 71st Precinct stationhouse, officers used physical force against § 87(2)(b)	
I.POF Marlene Welch	Force: Inside the 71st Precinct stationhouse, PO Marlene Welch used physical force against § 87(2)(b)	
J.POM Frank Bulzoni	Force: Inside the 71st Precinct stationhouse, PO Frank Bulzoni used physical force against § 87(2)(b)	
K.POM Paul Parkinson	Force: Inside the 71st Precinct stationhouse, PO Paul Parkinson used physical force against § 87(2)(b)	
L. An officer	Force: Inside the 71st Precinct stationhouse, an officer struck § 87(2)(b) with an asp.	
M.POM Paul Parkinson	Abuse: Inside the 71st Precinct stationhouse, PO Paul Parkinson damaged § 87(2)(b)'s property.	
N.POM Frank Bulzoni	Force: Inside the 71st Precinct stationhouse, PO Frank Bulzoni hit § 87(2)(b) against a desk.	

Synopsis

On April 17, 2008, at approximately 6:00 pm, officers responded to several 911 calls reporting gunshots fired in the vicinity of Brooklyn Avenue and East New York Avenue in Brooklyn. Officers received information that the suspects had fled into § 87(2)(b). Sgt. Dolores Pilnacek of the 71st Precinct received information that the suspects had fled into the § 87(2)(b)-floor apartment of the building and she authorized officers to enter and search the apartment [**Allegation A**]. Upon entering the apartment, officers pointed their guns at the individuals inside, § 87(2)(b) and § 87(2)(b) while allegedly yelling, “Get the fuck on the ground” [**Allegations B and C**].

An unidentified officer in plainclothes allegedly pushed § 87(2)(b) to the floor and held her down by placing his foot on the back of her head [**Allegation D**]. The officer then allegedly said, “Cuff this bitch” [**Allegation E**]. § 87(2)(b) was escorted downstairs to a police van by PO Paul Parkinson of the 71st Precinct. While he was walking her downstairs, PO Parkinson allegedly hit § 87(2)(b) in the back with his forearm and bent her wrist toward her forearm in a forceful manner [**Allegation F**]. § 87(2)(b) and § 87(2)(b) were also arrested inside the apartment and plainclothes officers apprehended another individual, § 87(2)(b) on the roof.

PO Bulzoni and PO Parkinson transported § 87(2)(b) and § 87(2)(b) to the 71st Precinct stationhouse in a marked police van. During the ride to the stationhouse, § 87(2)(b) and PO Parkinson became involved in a verbal altercation. PO Parkinson allegedly said to § 87(2)(b) “You know, I hit females” [Allegation G]. When the van arrived at the 71st Precinct stationhouse, PO Bulzoni logged § 87(2)(b) and § 87(2)(b) into the command log and one of the two supervising officers sitting at the front desk, Sgt. Vincent D’Ambrosio of the 71st Precinct, instructed a female officer, PO Marlene Welch of the 71st Precinct, to search § 87(2)(b) inside a private bathroom.

While § 87(2)(b) was inside the bathroom with PO Welch, she was not in handcuffs. Soon after § 87(2)(b) entered the bathroom, a physical altercation was initiated between § 87(2)(b) and PO Welch. Numerous officers responded to the bathroom and officers, including PO Welch, PO Bulzoni, and PO Parkinson, allegedly pulled § 87(2)(b)'s hair and struck her numerous times on the legs, arms, head, neck, and abdomen with their fists and feet [**Allegations H, I, J, and K**]. During the physical altercation, an officer allegedly struck § 87(2)(b) with an asp [**Allegation L**]. Inside the bathroom, § 87(2)(b)'s earring fell to the ground and PO Parkinson allegedly stepped on it with the intent to damage it [**Allegation M**]. § 87(2)(b) was placed in handcuffs and her shoes and socks were removed.

After searching § 87(2)(b) in the bathroom, PO Welch escorted her back to the front desk. When § 87(2)(b) requested medical attention, PO Bulzoni allegedly placed his hand on the back of her neck and slammed her head down onto the top of the desk [**Allegation N**]. § 87(2)(b) was later taken to § 87(2)(b). § 87(2)(b) was charged with § 87(2)(b), § 87(2)(b) was charged with § 87(2)(b), § 87(2)(b) was charged with § 87(2)(b) and § 87(2)(b)'s arrest report was sealed.

§ 87(2)(g) [REDACTED]

§ 87(2)(g)

§ 87(2)(b)'s complaint was originally assigned to Investigator Katherine O'Connor of team one. On June 2, 2008, the case was reassigned to Investigator Nathaniel Mehlman of team one and on March 11, 2009, the case was reassigned to the undersigned investigator.

Summary of Complaint

§ 87(2)(b) was interviewed at the CCRB on April 29, 2008 (encl. 8a-8k). § 87(2)(b) is an § 87(2)(b)-year-old African-American female § 87(2)(b). At the time of the interview, § 87(2)(b) resided at § 87(2)(b). § 87(2)(g)

On April 17, 2008 at approximately 6:00pm, § 87(2)(b) went to visit her friend, § 87(2)(b) at her home, located at § 87(2)(b) § 87(2)(b) Floor, in Brooklyn. At the time, she was wearing blue jeans, a black hooded sweatshirt, and black boots. Once she got to the apartment, she sat down on § 87(2)(b)'s couch and began to watch television with their mutual friend, § 87(2)(b). Other than § 87(2)(b) and § 87(2)(b) there was nobody else present in the apartment. About ten minutes after § 87(2)(b) had arrived at the residence, she heard a loud "boom" come from somewhere on the first floor of the building. Immediately after, she observed approximately seven police officers running up the stairs which lead from the first-floor entrance to the building directly into § 87(2)(b)'s residence. The officers were all white or Hispanic males, all dressed in suits, and all of them had their guns drawn when they entered the living room. The officers all pointed their firearms at § 87(2)(b) and § 87(2)(b). At the time, § 87(2)(b) was in the kitchen, further back within the apartment, and § 87(2)(b) could not see what was happening to her.

All of the officers started shouting, "Get the fuck on the ground." § 87(2)(b) and § 87(2)(b) put their hands up over their heads, stated, "Hold on, hold on," and prepared to move from the couch to the ground. Before § 87(2)(b) could do so, one of the officers approached § 87(2)(b) and grabbed her by her shirt sleeve. § 87(2)(b) described the officer as a Caucasian male officer standing approximately five feet, five inches tall, weighing two hundred pounds, with short hair and dressed in plainclothes. The officer pulled § 87(2)(b) from the couch such that she was standing up and then physically guided her a few steps away to the area in front of the living room coffee table. He then pushed her to the ground such that she was lying on her left side in the space between the coffee table and the television. The plainclothes officer then forcefully placed his foot against the back of § 87(2)(b)'s neck and the occipital region of her head and held it there. This caused § 87(2)(b) to experience difficulty breathing (her air supply was not completely cut off, but she did struggle to breathe normally due to the pressure of the officer's foot on her neck). § 87(2)(b) asked the officer to lift his foot, but he did not do so for approximately one-and-a-half minutes. § 87(2)(b) said that she never struggled with the plainclothes officer while she was being guided by him or when she was on the ground; her hands remained on the ground, palms down on either side of her head. She did say, however, that while the officer's foot was against her neck and head, she rolled onto her stomach and moved her head from side to side so that she could breathe more easily. When she did this, the officer pressed his foot down harder and kept his firearm pointed down toward her body. She said she did not remember the officer saying anything to her at this time.

During the time that the plainclothes officer was pulling § 87(2)(b) from the couch up to when he put his foot against her neck, two different officers § 87(2)(b) could not describe were dealing with § 87(2)(b). She explained that these officers grabbed § 87(2)(b) in the same way the plainclothes officer had grabbed her. They then placed him on his stomach over the coffee table such that his hands and feet were

hanging down to the floor. The officers immediately handcuffed § 87(2)(b) and he remained lying on the table. After the plainclothes officer lifted his foot, he said, “Cuff this bitch,” and an officer § 87(2)(b) could not see placed handcuffs around § 87(2)(b)’s wrists. She remained lying on the floor of the apartment for about ten to fifteen more minutes while numerous other officers entered the premises and searched it. She was able to see the officers walk from room to room, and she also saw them lift the couch, look underneath it and then drop it down on the ground. § 87(2)(b) believed that when they dropped the couch, it landed on § 87(2)(b)’s foot because he screamed out. When he did this, an officer § 87(2)(b) could not see or describe said, “What the fuck are you screaming for?” At one point, she observed an officer pick up a chair in the family room (next to the living room) and throw it. In the bedroom off the living room, § 87(2)(b) observed officers lifting the mattress and look under it. While this was going on, some of the officers stepped on her hair.

§ 87(2)(b) explained that she never saw § 87(2)(b) struggle with the police at any point in the apartment. She also said she did not know what was going on with § 87(2)(b) in the kitchen area, but she did say she heard officers say, “Get the fuck down” after they approached the kitchen. She did not hear § 87(2)(b) say anything. After approximately fifteen minutes, a uniformed officer, identified as PO Paul Parkinson of the 71st Precinct, gripped her arm and stood her up. § 87(2)(b) described PO Parkinson as an African-American male officer, standing approximately six feet, one inch tall, with an average build, glasses, and a Caribbean accent. § 87(2)(b) identified PO Parkinson from his nameplate and from seeing him on previous occasions in her neighborhood.

After she was standing, § 87(2)(b) observed another uniformed officer who had entered the apartment. She identified this officer from his nameplate as PO Frank Bulzoni of the 71st Precinct. § 87(2)(b) described PO Bulzoni as a Caucasian male officer, standing approximately five feet, seven inches tall, with a thin build and black hair. PO Parkinson and PO Bulzoni were not among the officers who had their firearms drawn. With the exception of the plainclothes officer, PO Parkinson, and PO Bulzoni, § 87(2)(b) was unable to describe any of the other officers who entered the apartment. PO Bulzoni escorted § 87(2)(b) down the steps of the apartment; § 87(2)(b) walked behind her, but she did not know who was escorting him. Once they were outside, § 87(2)(b) waited to be placed inside the prisoner van. § 87(2)(b) was taken someplace else, and she did not see him again until she arrived at the 71st Precinct. During that time, PO Parkinson approached § 87(2)(b) and grabbed the chain of her handcuffs and held them tightly. When § 87(2)(b) looked back at him, PO Parkinson said, “What the hell are you looking at?” and hit her in her back somewhat forcefully with his forearm. He continued to hold the chain of her cuffs, squeezing her wrists and bending her right palm toward her inner forearm. When § 87(2)(b) complained to him, yelling that he was hurting her, PO Parkinson replied, “Oh yeah, it looks like you like it.”

PO Parkinson and PO Bulzoni then began to walk her to a marked prisoner van. At that time, she also saw that § 87(2)(b) was being walked to the same van by an unidentified officer. § 87(2)(b) said that there were many of § 87(2)(b)’s neighbors standing outside watching. She was able to identify one of them as § 87(2)(b) an African-American male in his fifties, and another as § 87(2)(b) an African-American male in his late-teens, but she did not know who any of the others were. She also noticed a Caucasian female officer, later identified by the investigation as Sgt. Dolores Pilnacek of the 71st Precinct. § 87(2)(b) described Sgt. Pilnacek as a forty-year-old Caucasian female officer, standing approximately five feet, five inches tall, with a thin build and blond hair. Sgt. Pilnacek was wearing a dark blue uniform with a gold badge.

When § 87(2)(b) asked PO Bulzoni to loosen her handcuffs, he told her no. She then complained to Sgt. Pilnacek about her handcuffs, at which time, Sgt. Pilnacek told her to “shut up.” Sgt. Pilnacek then took the chain of § 87(2)(b)’s cuffs with one hand, placed her other hand on § 87(2)(b)’s middle back area and pushed her forward into the van, causing her to land on her stomach on the rear seat. § 87(2)(b) explained during her interview that she did not make any physically aggressive or combative motions at any time while she was with the police, though she did admit to raising her voice to them.

After she was pushed into the van, § 87(2)(b) was able to move into a sitting position in the rear seat. § 87(2)(b) was placed in the seat next to her soon after, and one of the officers on the scene secured their

seatbelts. Other than § 87(2)(b) and § 87(2)(b) there were no other prisoners inside this van. PO Bulzoni got into the van and sat in the front passenger seat while PO Parkinson got into the driver's seat. Before she closed the rear door, Sgt. Pilnacek told § 87(2)(b) and § 87(2)(b) "You were just identified." § 87(2)(b) asked what she meant and Sgt. Pilnacek replied, "Shut up. You'll see when we get to the precinct." § 87(2)(b) did not say anything while the officers were transporting them to the 71st Precinct but § 87(2)(b) became involved in a verbal altercation with PO Parkinson during the ride. § 87(2)(b) did not recall what § 87(2)(b) said specifically (she believed it had something to do with PO Parkinson being bald), but after she said it, PO Parkinson replied, "Oh, you threatening me? You know, I hit females. I want you to do it when you get to the precinct and they take your cuffs off." PO Bulzoni laughed at this comment, but otherwise, he did not say anything during the transport.

When § 87(2)(b) and § 87(2)(b) arrived at the stationhouse, they were brought to the front desk where their pedigree information was taken by an officer in a white shirt. § 87(2)(b) described the officer at the desk as a Caucasian male officer in his fifties or sixties with a heavysset build and black hair. The officer at the desk called for Officer Welch, at which time a female officer in uniform, PO Marlene Welch of the 71st Precinct, approached § 87(2)(b). § 87(2)(b) described PO Welch as an African-American female officer in her mid-thirties with a short stature and an average build. An officer removed § 87(2)(b)'s handcuffs and PO Welch escorted her to a bathroom to the left of the desk, where they were joined by another female officer in uniform, identified by the investigation as PO Irene Peart of the 71st Precinct. § 87(2)(b) described PO Peart as an African-American female officer, standing approximately five feet, five inches tall, with a heavysset build and dreadlocks. § 87(2)(b) remained standing by the desk.

The women's bathroom was a separate room, not part of any holding cell or prisoner processing area, about eight feet by eight feet, and § 87(2)(b) believed it only contained one toilet and one sink. When they got inside, the officers closed the door and PO Welch instructed § 87(2)(b) to remove the contents of her pockets, which she did (these items included her Metrocard, a NYS driving learner's permit, her school identification card, her cell phone, and her keys). PO Welch then patted her down over her entire body and reached inside her pockets. Then, PO Welch asked § 87(2)(b) to remove her shoes. Noticing that the floor was covered in urine, § 87(2)(b) asked PO Welch if she could have a piece of tissue to stand on. PO Welch replied, "What the hell do I look like, maintenance?"

PO Welch then grabbed the front of § 87(2)(b)'s collar area and pushed her against the wall. PO Welch started yelling something § 87(2)(b) could not understand. Then, approximately twelve additional officers ran into the bathroom, including PO Bulzoni and PO Parkinson. Other than these officers, § 87(2)(b) could not physically describe any of the officers who entered the bathroom. All of the officers proceeded to assault her. While PO Welch held on to her collar, two unidentified officers grabbed her by her hair and pulled it. PO Peart pulled § 87(2)(b)'s left arm out, away from her body, and held it. PO Parkinson grabbed § 87(2)(b)'s left calf area and attempted to pull it, as if he was trying to move her leg out from under her. § 87(2)(b) pulled her leg back toward her, but PO Welch pushed her body against the wall again, causing her to hit the back of her head on the wall. § 87(2)(b) put her right hand on the back of her head, but an unidentified officer grabbed her right arm and pulled it away from her body. PO Parkinson held onto her legs and somehow managed to remove the shoes and socks from both of her feet.

§ 87(2)(b) stated that the officers in the bathroom hit her "from every single angle." § 87(2)(b) observed an unidentified male officer holding a baton and he began "poking" her in the side with it. PO Parkinson punched § 87(2)(b) in the side of her head, striking her ear. This caused one of her nameplate earrings to fall out. PO Bulzoni pulled § 87(2)(b) by her hood and PO Welch punched § 87(2)(b) in one of her arms. Other unidentified officers also punched her on her arms, her sides, her back and her head. She believed she was punched about fifteen times in total. § 87(2)(b) hunched her body over to fend off the blows, at which time, the officers holding her arms put them behind her back and PO Parkinson placed handcuffs on her wrists. The officers stopped assaulting her after approximately five minutes. § 87(2)(b) stated that during the assault, none of the officers issued her any instructions. She denied that she made any combative movements during her time in the bathroom; the only movements she made were defensive motions to shield various parts of her body. She denied struggling with PO Welch at

any point. § 87(2)(b) was never strip-searched while she was inside the bathroom, as only her shoes and socks were removed.

After she had been handcuffed, § 87(2)(b) asked PO Parkinson if he could pick up her earrings, which were both lying on the floor of the bathroom. PO Parkinson walked over to where the earrings were lying and he stepped on one of them. § 87(2)(b) saw that this caused the earlobe post to break apart from the earring. After he broke the earring, PO Parkinson said, "Oh, that was your earring?" Neither earring was ever returned to her. § 87(2)(b) was then escorted out of the bathroom and led back to the front desk. § 87(2)(b) noticed at this point that her left arm bicep area was swollen where she was struck by PO Welch. § 87(2)(b) told PO Bulzoni, "I think I'm going to need an ambulance," to which PO Bulzoni replied, "Shut up." § 87(2)(b) repeated that she was injured and requested medical assistance. PO Bulzoni placed his hand on the back of her head and pushed it against the desk. Her mouth made contact with the corner of the desk and this resulted in a laceration to form on the inside of § 87(2)(b)'s lower lip. At the time, § 87(2)(b) was standing at the desk, as were PO Parkinson, PO Welch, and PO Peart, and § 87(2)(b) believed they all saw PO Bulzoni hit her head against the desk. § 87(2)(b)'s lip began to bleed, so she asked again to be taken to the hospital, but nobody responded. At that point, § 87(2)(b) noticed § 87(2)(b) being walked to an interrogation room by unidentified officers. He was not present when PO Bulzoni pushed her head against the desk but he saw that she was spitting blood onto the ground (he informed her of this later).

§ 87(2)(b) and § 87(2)(b) were brought back to the general population holding cells; § 87(2)(b) was escorted by PO Bulzoni, who brought in her shoes and socks shortly after. Once inside the cell, § 87(2)(b) continued to request medical attention, and PO Bulzoni informed her that her paperwork would be pushed back and she would be kept at the precinct overnight. § 87(2)(b) insisted that she be brought to the hospital and approximately forty-five minutes after she first asked for medical attention, EMTs arrived at the stationhouse and examined her in the holding cell.

§ 87(2)(b) was transported to § 87(2)(b) by a white male police officer in uniform. During the incident, § 87(2)(b) had sustained bruises and swelling to her left bicep and elbow, bruising on her right side, a cut to her right arm, and bruising to her wrists from the handcuffs. She remained there for several hours, and had her wrists X-rayed. She was given Motrin and released, at which point, an officer brought her back to the 71st Precinct. There, her processing continued and she was charged with § 87(2)(b). § 87(2)(b) denied that she had any marijuana on her during this incident and denied being under the influence of marijuana.

The undersigned investigator called § 87(2)(b) five times between April 10, 2009 and May 14, 2009 to schedule an appointment for § 87(2)(b) to view a photo array of Caucasian male plainclothes officers who may have entered § 87(2)(b) on the date of the incident. The investigator was unable to contact § 87(2)(b) and left voice mail messages on each occasion. Two letters requesting that § 87(2)(b) call the investigator to arrange a photo array viewing were mailed on April 15, 2009 and May 14, 2009.

Results of Investigation

Civilian Witness Statements

§ 87(2)(b) was contacted by the undersigned investigator on March 26, 2009 (encl. 9a). On April 17, 2008, § 87(2)(b) called 911 to report that she had heard gunshots in the street, near the grocery store at the corner of Midwood Street and Brooklyn Avenue in Brooklyn. When she looked out into the street where the gunshots appeared to be coming from, § 87(2)(b) saw numerous individuals running away from the location, northbound on Brooklyn Avenue, toward Maple Street. She also provided the physical descriptions of said individuals to the 911 operator.

§ 87(2)(b), § 87(2)(f)

§ 87(2)(b), § 87(2)(f)

§ 87(2)(b) was contacted by Inv. O'Connor on May 12, 2008 and scheduled an interview to provide the CCRB with a sworn statement on May 19, 2008. On May 19, 2008, § 87(2)(b) missed her first appointment and a missed appointment letter was mailed to her address on May 22, 2008. On June 30, 2008, Inv. O'Connor again contacted § 87(2)(b) and scheduled an interview for July 7, 2008. § 87(2)(b) missed her second interview appointment on July 7, 2008 and a second missed appointment letter was sent on July 8, 2009. Two additional attempts by Inv. O'Connor to contact § 87(2)(b) on July 8, 2008 and July 17, 2008 failed and the investigator was unable to leave voice mail messages on each occasion. A please call letter was mailed to § 87(2)(b)'s address on August 5, 2008. To date, no letters mailed to § 87(2)(b) have been returned to the CCRB by the US Postal Service. As of the date of this report, § 87(2)(b) has not responded to numerous attempts to obtain her sworn statement.

Inv. O'Connor called the home telephone number of § 87(2)(b) on May 22, 2008. Inv. O'Connor spoke to § 87(2)(b)'s mother, who confirmed that he could be reached on the same telephone number. The first please call letter was mailed to § 87(2)(b) on May 12, 2008. Six attempts to contact § 87(2)(b) between May 13, 2008 and September 17, 2008 failed and messages were left on each occasion. The final please call letter was mailed to § 87(2)(b) on August 5, 2008. To date, no letters mailed to § 87(2)(b) have been returned to the CCRB by the US Postal Service. As of the date of this report, § 87(2)(b) has not responded to numerous attempts to obtain his sworn statement.

The investigation was unable to confirm an active telephone number for § 87(2)(b). Searches of the white pages directory and the COLE address database did not reveal any possible phone numbers for § 87(2)(b). A search of the Lexis Nexis database revealed one possible telephone number for § 87(2)(b) at a different address than that listed on the arrest report prepared in connection with the above incident. The first please call letter was mailed to § 87(2)(b) on May 15, 2008 and a second copy was mailed on March 19, 2009. When the investigator attempted to contact § 87(2)(b) at his possible phone number on March 25, 2009, the voice mail system connected to the telephone number did not identify § 87(2)(b) by name. A voice mail message was left on § 87(2)(b)'s possible phone number and the final please call letter was mailed on May 14, 2009. To date, no letters have been returned to the CCRB by the US Postal Service. As of the date of this report, § 87(2)(b) has not responded to numerous attempts to obtain his sworn statement.

Police Officer Statements

Sgt. Dolores Pilnacek was interviewed at the CCRB on April 3, 2009 (encl. 14a-14e). Sgt. Pilnacek is a § 87(2)(b)-year-old Caucasian female officer, standing five feet, six inches tall, weighing two-hundred pounds, with black hair and brown eyes. She is a twenty-one-year veteran of the NYPD. On April 17, 2008, Sgt. Pilnacek worked as the patrol supervisor in the 71st Precinct, from 2:50 pm to 11:47 pm. She worked with PO Ewa Lapinska of the 71st Precinct and was assigned to the marked patrol car, 7695. PO Lapinska was operating the vehicle, Sgt. Pilnacek was riding in the front passenger seat, and both officers were dressed in uniform.

At approximately 6:30 pm, Sgt. Pilnacek was patrolling the 71st Precinct, near the intersection of Nostrand Avenue and Maple Street in Brooklyn, when several calls came over the radio that several individuals had called 911 to report gunshots fired in the vicinity of East New York Avenue. Sgt. Pilnacek received information, either from a radio run or from an individual that flagged her patrol car down near the intersection of Nostrand Avenue and Maple Street, that the individuals who were reportedly observed fleeing from where the gunshots were fired had run into a building on East New York Avenue. Sgt. Pilnacek received physical descriptions of the individuals observed fleeing the scene over the radio and from individuals standing in the street.

§ 87(2)(f) informed Sgt. Pilnacek that § 87(2)(f) the individuals suspected of firing the gunshots into the building on East New York Avenue. § 87(2)(f)

§ 87(2)(f)

§ 87(2)(f)

§ 87(2)(f)

§ 87(2)(f) He got into Sgt. Pilnacek's patrol car and led her to the building at § 87(2)(b) approximately one or two blocks away from Nostrand Avenue and Maple Street. § 87(2)(f)

§ 87(2)(f)

§ 87(2)(f)

§ 87(2)(f)

As she drove to the building into which individuals had observed the suspects fleeing, Sgt. Pilnacek called for additional units and approximately four or five unidentified Caucasian male Detectives from the 71st Precinct initially met her at the location. Individuals standing outside the building informed the officers that an unknown number of unidentified males had run inside. Sgt. Pilnacek, PO Lapinska, and approximately three Detectives secured the perimeter of the building by stationing themselves by the side and rear entrances. Sgt. Pilnacek remained on the sidewalk in front of the building, on East New York Avenue. § 87(2)(b), § 87(2)(f)

§ 87(2)(b), § 87(2)(f)

§ 87(2)(b), § 87(2)(f)

§ 87(2)(b), § 87(2)(f)

§ 87(2)(b), § 87(2)(f)

§ 87(2)(b), § 87(2)(f)

When Sgt. Pilnacek looked into the front door, she observed another door inside the building, behind which was a flight of stairs, leading to the second floor of the building. Beside the inside door was a hallway leading to another door, the door to the first-floor apartment. Sgt. Pilnacek did not enter the building at any point and was thus unable to provide a physical description of the layout of the second floor of the building.

All of the Detectives who responded to Sgt. Pilnacek's call for additional units, as well as several uniformed police officers from unknown commands, entered the building and walked up the stairs to the § 87(2)(b)-floor apartment. Approximately eight uniformed and plainclothes officers entered the building and some entered with their guns drawn. Aside from Sgt. Pilnacek's patrol car, there were approximately four marked patrol cars and two unmarked vehicles of unknown make and model parked outside § 87(2)(b)

§ 87(2)(b) When the officers entered § 87(2)(b) the front door closed behind them and Sgt. Pilnacek was unable to see where they went or what they did when they were inside the building.

Sgt. Pilnacek later learned that, when the officers knocked on the door of the § 87(2)(b)-floor apartment, two individuals inside the apartment climbed out of one of the windows, onto an adjacent rooftop. Sgt. Pilnacek stated that a very short period of time elapsed between when the officers entered the building and when she observed the individuals climbing onto the roof from a window in the § 87(2)(b)-floor apartment. When the individuals on the roof, a female and a male, identified as § 87(2)(b) and § 87(2)(b) saw that police officers had surrounded the building, they stayed in place and did not attempt to flee. Officers ordered the individuals to come back into the apartment and they complied.

Sgt. Pilnacek remained outside the building for the duration of the officers' interaction with the individuals in the § 87(2)(b)-floor apartment. After an unknown period of time, approximately six officers emerged from the building with three individuals, two females and a male, identified by the investigation as § 87(2)(b) and § 87(2)(b) in handcuffs. One officer was escorting each of the individuals. As she exited the building, § 87(2)(b) cursed at the officers, calling them "white motherfuckers" and accusing them of racism. Sgt. Pilnacek did not hear any of the individuals complain that their handcuffs were too tight.

The officers attempted to place the individuals in the back seats of a marked police van but one of the two females, whom Sgt. Pilnacek could only describe as “heavy-set,” refused to get into the van. Three unidentified male officers in uniform grabbed the individual by the arms and lifted and pushed her inside the van. As she was being pushed inside the van, the individual attempted to kick one of the officers but did not make contact. At no point did any officers strike the individual with any body parts or objects. While the officers pushed the individual into the van, a crowd of civilians gathered around the van.

After the three arrested individuals were secured inside the van, two uniformed officers, identified by the investigation as PO Frank Bulzoni and PO Paul Parkinson of the 71st Precinct, transported the individuals back to the 71st Precinct stationhouse. Sgt. Pilnacek did not recall when she returned to the stationhouse but stated that she did not see the individuals who had been arrested at any time subsequent to their leaving § 87(2)(b). Sgt. Pilnacek was not informed of what happened to the individuals once they were taken back to the stationhouse.

PO Frank Bulzoni was interviewed at the CCRB on September 17, 2008 (encl. 10a-10m). On April 17, 2008, PO Bulzoni worked from 5:30 PM until 7:05 AM the following day. He was assigned to conditions within the confines of the 71st Precinct, with PO Paul Parkinson of the 71st Precinct. The officers were assigned to a marked van and were dressed in uniform.

PO Bulzoni’s **memo book** (encl. 10a-10b) noted the following: “1830: Shots fired at Brooklyn Ave and Maple St. 1840: Multiple Calls are coming in to 911 perps fleeing on foot; 1920: 4 under for § 87(2)(b); 2000: Start arrest processing.”

On April 17, 2008, PO Bulzoni and PO Parkinson were on patrol when they heard a radio run reporting shots fired in the vicinity of Brooklyn Avenue and Maple Street in Brooklyn. As they drove to the location, they heard multiple 911 calls coming over the radio from civilians reporting that shots had been fired and that the perpetrators were fleeing on foot. The callers provided a detailed physical description of the perpetrators but PO Bulzoni did not recall what it entailed at the time of the interview. As the officers neared the location, they began a canvas of the area as various 911 callers reported the shooters’ location. As the officers canvassed, Sgt. Pilnacek radioed that the shooters entered § 87(2)(b). She requested officers to respond and to perform a vertical search of the building.

PO Bulzoni and PO Parkinson went to the location. Upon arrival there were multiple units on the scene. PO Bulzoni stated that the area was “flooded” with police officers and that “everyone in the entire precinct” was at the location, including officers from special commands and ESU. Other officers had entered an apartment. When PO Bulzoni entered the apartment, he observed that the officers had one female in handcuffs on the ground. She did not appear to be struggling. PO Parkinson proceeded to search around the apartment to secure it with other officers. He entered a bedroom and observed marijuana “all over the place” and several scales. There was an open window that opened on to a garage roof. PO Bulzoni looked out the window and saw a female, identified by the investigation as § 87(2)(b) on the roof. PO Bulzoni ordered § 87(2)(b) to come back into the apartment. She came back into the apartment and PO Bulzoni grabbed her and placed her in handcuffs. § 87(2)(b) was very hostile and immediately started cursing at PO Bulzoni. PO Bulzoni ordered her onto the ground and she complied. PO Bulzoni placed § 87(2)(b) in handcuffs, escorted her out of the apartment building, and placed her in his van. PO Bulzoni stated that § 87(2)(b) was cursing at him but was not physically resisting being placed in the van. PO Bulzoni stood outside the van while § 87(2)(b) was inside. Several minutes later, other officers brought a second female, identified as § 87(2)(b) out of the apartment building. § 87(2)(b) was cursing at the officers but did not seem to be physically resisting. PO Bulzoni believed that he was in the apartment for about ten minutes. He did not remember what PO Parkinson was doing inside the apartment but recalled that he was present inside the apartment.

After both females were in the van, PO Bulzoni and PO Parkinson remained on the scene for several minutes awaiting instructions. Sgt. Pilnacek told PO Bulzoni and PO Parkinson to transport the females to the 71st Precinct stationhouse. On the way to the stationhouse, § 87(2)(b) and § 87(2)(b) continued to yell and curse at the officers. PO Bulzoni told the women to calm down, but they did not, so he ignored

them. He believed that PO Parkinson also tried to get them to calm down but he also ultimately ignored them. He did not recall either himself or PO Parkinson cursing at either female.

At the precinct, PO Parkinson logged § 87(2)(b) and § 87(2)(b) into the command log, and then left the females with the desk sergeant who was going to supervise the search of the prisoners and place them into the prisoner holding pen. PO Bulzoni stated that as procedure, all prisoners are searched. The female prisoners were searched in the women's bathroom by a female officer. § 87(2)(b) apparently attempted to strike the female officer who was searching her, identified as PO Welch, and it resulted in a commotion in the bathroom. PO Bulzoni stated that he was processing some paperwork when this situation occurred, and he did not see what happened. PO Bulzoni did not take any prisoners to the hospital. He did not know if they went to the hospital after he processed them, but they did not request to go while he was interacting with them. During the processing of § 87(2)(b) and § 87(2)(b) neither of them had any injuries he saw. PO Bulzoni did not use physical force against either of the females arrested. PO Bulzoni did not damage or discard any property that belonged to either female.

PO Marleen Welch was interviewed at the CCRB on October 28, 2008 (encl. 11a-11f). On April 17, 2008, PO Welch worked from 3:00 PM to 11:35 PM. She was dressed in uniform and was assigned as the 71st Precinct telephone switchboard operator, who works in a small area attached to the side of the desk. She did not recall who the Desk Officer was on that date. PO Welch did not have her memo book on the date of her CCRB interview, but stated that she only noted her assignment and the hours she worked.

PO Welch stated that on the evening of April 17, 2008, several male officers brought a female prisoner, later identified as § 87(2)(b) into the stationhouse and to the desk. PO Welch could not identify the officers who brought § 87(2)(b) in, but believed that they were assigned to conditions. The desk sergeant, Sgt. Vincent D'Ambrosio of the 71st Precinct, asked PO Welch to search § 87(2)(b) because she was female. PO Welch took custody of § 87(2)(b) and began escorting her to the bathroom where female prisoners are searched, which is located a few feet away from the desk. It is a large bathroom with one stall. PO Welch stated that § 87(2)(b) was loud, profane and uncooperative from the outset. When PO Welch walked § 87(2)(b) to the bathroom door, § 87(2)(b) yelled at her and refused to enter.

After § 87(2)(b) finally entered the bathroom, PO Welch had her stand in the middle of the bathroom floor. PO Welch stated that, in accordance with police department search procedures, all prisoners are frisked and searched for contraband after they are brought into the stationhouse. PO Welch stated that she had no intention of strip-searching § 87(2)(b). PO Welch removed § 87(2)(b)'s handcuffs and began frisking her. § 87(2)(b) continued to protest and yelled, "Don't touch me, bitch!" Another female officer, whom PO Welch identified as PO Irene Peart of the 71st Precinct, was also standing inside the bathroom in case PO Welch needed assistance. PO Welch repeatedly asked § 87(2)(b) to remove her belt. After repeatedly refusing, § 87(2)(b) eventually complied, but continued yelling at PO Welch. PO Welch then ordered § 87(2)(b) to remove her shoes, turn them upside down and tap them against the floor to ensure that there was no contraband inside them. § 87(2)(b) began yelling even louder, saying, "I'm not taking my shoes off! Fuck you, you stupid bitch! I'm gonna fuck you up!" as well as, "I hate all of you fucking cops!" § 87(2)(b) repeatedly punched the palm of her hand as she yelled. When the interviewing investigator asked PO Welch if § 87(2)(b) complained that there was urine on the bathroom at that point, PO Welch replied, "That's the cleanest bathroom in the precinct. There's no urine on the floor. I wouldn't do that to anyone because I wouldn't want anyone to do that to me." PO Welch added that § 87(2)(b) never asked to be given something to stand on in the bathroom, such as a mat or paper. She denied saying, "What the hell do I look like, maintenance?"

When officers standing outside the door of the bathroom heard § 87(2)(b) yelling and screaming inside the bathroom, they opened the door and an officer asked PO Welch if she was okay. PO Welch replied that she was not. While the door was open, § 87(2)(b) stepped toward PO Welch with her hands in the air. Officers rushed into the bathroom and grabbed § 87(2)(b)'s arms and hands. § 87(2)(b) did not cooperate with the officers' efforts to restrain her arms and repeatedly pulled her hands and arms away from the officers. The officers shoved her against the wall and handcuffed her as PO Welch stepped to the

side. PO Welch did not recall the identity of the officers who entered the bathroom but stated that they may have been the officers who arrived at the stationhouse with § 87(2)(b).

PO Irene Peart was interviewed at the CCRB on December 16, 2008 (encl. 12a-12e). On April 17, 2008, PO Peart worked from 3:00 PM to 11:35 PM. She was dressed in uniform and was assigned as the 71st Precinct LAPS officer. The assignment involves completing arrest paperwork. PO Peart had no memo book entries regarding this incident.

PO Peart stated that on April 17, 2008, at approximately 6:00 PM, an officer asked her to assist PO Welch in searching a female prisoner in the bathroom. PO Peart entered the bathroom with PO Welch and the female prisoner, later identified as § 87(2)(b). The bathroom has one stall and a sink. PO Welch was charged with searching § 87(2)(b) in the bathroom but PO Peart went inside with her because § 87(2)(b) was highly irate and was yelling. PO Peart did not recall § 87(2)(b)'s exact words. In the bathroom, PO Welch ordered § 87(2)(b) to remove the contents of her pockets and remove her shoes. § 87(2)(b) whose handcuffs had been removed, continued to yell at PO Welch. She also threw her hands up and refused to comply.

PO Welch raised her voice and continued ordering § 87(2)(b) to remove the contents of her pockets and remove her shoes. In response, § 87(2)(b) lunged at PO Welch and attempted to strike her. PO Welch moved out of the way and yelled, at which point additional officers entered the bathroom. PO Peart did not see the interaction between those officers and § 87(2)(b) but assumed that they handcuffed § 87(2)(b). PO Peart could not identify the officers who entered the bathroom because she and PO Welch left the bathroom at that point. PO Peart returned to her office after leaving the bathroom and did not see § 87(2)(b) again. She estimated that she was in the bathroom with PO Welch and § 87(2)(b) for about five minutes.

PO Paul Parkinson was interviewed at the CCRB on January 22, 2009 (encl. 13a-13d). On April 17, 2008, PO Parkinson worked from 5:30 PM until 2:30 AM the following day, on a conditions assignment with PO Bulzoni, within the confines of the 71st Precinct. The officers were assigned to a marked van and were both dressed in uniform.

On April 17, 2008, PO Parkinson was on patrol with PO Bulzoni when a gun run came over the radio. Several unidentified officers pursued the perpetrators into a building, the address of which PO Parkinson did not recall. When PO Parkinson arrived at the building, there were numerous police units on the scene. Officers had already entered an apartment and had several individuals apprehended inside. PO Parkinson did not recall if the people in the apartment were all in handcuffs when he entered the building but he did not recall placing anyone in handcuffs. PO Parkinson did not recall seeing any other officers place any individuals in handcuffs. He did not recall if he had his gun drawn when he entered the apartment.

After spending several minutes in the apartment, PO Parkinson was told to escort a female who was under arrest, identified by the investigation as § 87(2)(b) from the apartment to his van in order to transport her to the 71st Precinct stationhouse. PO Parkinson walked § 87(2)(b) out of the building and brought her to the van. While he escorted § 87(2)(b) from the building, she repeatedly cursed at him but did not physically resist. He did not respond other than telling her to calm down. After bringing her down from the apartment building he put her in the van. There was already a second female, identified by the investigation as § 87(2)(b) in the van. The officers drove the females to the precinct.

On the ride back to the precinct, the females continued to curse at both of the officers. PO Bulzoni and PO Parkinson told the females to calm down, but they did not comply so the officers ignored them. PO Parkinson did not recall what PO Bulzoni said to attempt to calm down the females. One of the females told PO Parkinson that she would "kick his ass." PO Parkinson told the female that if she wanted could fight him at the precinct. He stated that he made the comment as a joke to lighten the situation and to make the individual calm down. He did not threaten to strike the female. PO Parkinson did not hear any officer curse at the females at any point while interacting with them and did not curse at them himself. PO Parkinson was not asked for his badge number or name.

At the stationhouse, the two females were logged into the command log. PO Welch brought § 87(2)(b) into the bathroom to search her prior to placing her in the holding cell. In the bathroom, there was a commotion, predominately involving § 87(2)(b) yelling at PO Welch. Shortly after the yelling began, PO Welch called for assistance and several officers, whose names PO Parkinson did not recall, entered the bathroom to handcuff § 87(2)(b). PO Parkinson stuck his head in the door for a moment and told § 87(2)(b) to calm down. When he looked in the bathroom, he saw several officers grabbing § 87(2)(b) turning her around, and pulling her hands behind her back. She was resisting the officers' attempts to pull her hands behind her back. § 87(2)(b) was standing in the middle of the room and was not on the ground or against a wall at any point while in the bathroom. PO Parkinson did not see § 87(2)(b) placed in handcuffs. He did not know the officers in the bathroom aside from PO Welch. PO Parkinson walked away from the bathroom and did not see the female again. He was only looking into the bathroom for approximately ten seconds.

Det. Kevin McDonough was interviewed at the CCRB on April 20, 2009 (encl. 15a-15c). Det. McDonough is a § 87(2)(b)-year-old Caucasian male officer, standing six feet, two inches tall, weighing two-hundred-sixty pounds, with black hair and blue eyes. He is a seventeen-year veteran of the NYPD. On April 17, 2008, Det. McDonough worked as an investigator in the 71st Precinct detective squad, from 4:00 pm until 1:00 am on the following day, with Det. Michael Sullivan of the 71st Precinct detective squad. Both detectives were dressed in plainclothes and were working on foot.

On April 17, 2008, at approximately 6:00 pm, Det. McDonough and Det. Sullivan were inside the 71st Precinct stationhouse when they were called to a job concerning shots fired at Rutland Road and Brooklyn Avenue in Brooklyn. The officers heard the call come over the radio and then an unidentified supervisor on patrol requested that they respond to the scene. When the officers arrived at the intersection of Brooklyn Avenue and Rutland Road, Det. McDonough saw that patrol officers from the 71st Precinct had blocked off each end of East New York Avenue, between Brooklyn Avenue and New York Avenue. There were several marked and unmarked police vehicles parked on the block. Numerous uniformed officers from the 71st Precinct had surrounded a building, later identified as § 87(2)(b) and were stationed around the front entrance, on each side of the building, and in back of the building, all under cover. Det. McDonough had not received any information regarding the building into which the suspects were observed fleeing or regarding the physical descriptions of the suspects previous to approaching the building around which officers were stationed.

Det. McDonough's supervisor, Lt. Andrew Ferris, arrived at the scene and conferred with an unidentified supervising patrol officer from the 71st Precinct. The officer informed the officers that the individuals who had been observed firing gunshots ran into the building. Numerous officers had already entered the building and Det. McDonough observed several officers climbing the stairs on the stairwell immediately inside the front door of the building. Det. McDonough recalled observing uniformed officers entering the building but did not recall if he observed any other plainclothes officers entering the building or present inside the building. Det. McDonough approximated that he saw five or six officers enter the building.

Det. McDonough, Det. Sullivan, and Lt. Ferris entered the building through the front door and walked directly up the flight of stairs in the front hallway to the § 87(2)(b) floor. Det. McDonough did not enter the building with his gun drawn. Once on the § 87(2)(b) floor, Det. McDonough observed several officers inside the bedroom at the end of the hall, on the opposite end of the hallway from the stairwell. Det. McDonough stated that neither he nor Det. Sullivan nor Lt. Ferris ever entered the bedroom at the end of the hall and that he did not recall which officers were present inside the bedroom.

Det. McDonough observed a door on the right side of the hallway from where he was standing which was ajar and from which garbage bags and debris appeared to have been removed and scattered about. Det. McDonough opened the door and saw that there was a closet inside, with a ladder leading up to the roof. Det. McDonough was wearing a bullet-proof vest and Det. Sullivan was not; thus, Det. McDonough ascended the ladder with his gun drawn, with Det. Sullivan following him. Lt. Ferris followed Det. Sullivan up the ladder. Det. McDonough slowly pushed open the hatch to the roof, which was unlocked, from below and heard an individual yell, "McDonough!" from the roof. § 87(2)(f)

§ 87(2)(f) Det. McDonough, Det. Sullivan, and Lt. Ferris all exited the hatch onto the roof and Det. McDonough handcuffed § 87(2)(b) § 87(2)(b) was “terrified” and did not attempt to resist arrest. Det. McDonough did not recall whether additional officers came up to the roof at any point.

§ 87(2)(b), § 87(2)(f)

Det. McDonough did not hear any of the officers present but the physical descriptions of the suspects over the radio and was not aware of whether the individuals were ever apprehended. Det. McDonough recalled observing several rooftops below that which he was standing on but could not recall the exact layout of the top of the building.

Det. McDonough and Det. Sullivan removed the handcuffs from § 87(2)(b)'s wrists, led him down the ladder to the § 87(2)(b) floor, and reapplied his handcuffs. When Det. McDonough, Det. Sullivan, and § 87(2)(b) exited the building, Det. McDonough passed § 87(2)(b) to several unidentified uniformed officers from the 71st Precinct, who eventually transported him to the 71st Precinct stationhouse. When the detectives exited the building, there were still officers present inside the building, on the second floor. When he got outside, Det. McDonough observed an “older” female civilian who said that she lived on the § 87(2)(b) floor, standing in the street. Det. McDonough never spoke to the individual and did not come to know her relationship with the individuals suspected of firing gunshots. Det. McDonough did not observe any other civilians who had been arrested in connection with the incident when he went outside with § 87(2)(b). Det. McDonough did not receive any additional information regarding the individuals who had fled into the rear yard but did come to know that a firearm had been recovered behind the building. Det. McDonough and Det. Sullivan left the scene almost immediately after exiting the building.

Lt. Andrew Ferris was interviewed at the CCRB on April 20, 2009 (encl. 16a-16b). Lt. Ferris is a § 87(2)(b) year-old Caucasian male officer, standing five feet, nine inches tall, weighing one-hundred-eighty-five pounds, with brown hair and brown eyes. He is an eighteen-year veteran of the NYPD. On April 17, 2009, Lt. Ferris worked from 2:00 pm to 10:00 pm as the 71st Precinct detective squad commanding officer. Lt. Ferris was dressed in business attire and was assigned to an unmarked vehicle of unknown make, model, and color.

On April 17, 2009, at approximately 6:00 pm, Lt. Ferris was in the 71st Precinct stationhouse when he received a call that gunshots had been reported in the vicinity of Wingate Park in Brooklyn. Lt. Ferris traveled to the location with two additional detectives from the 71st Precinct detective squad, Det. Kevin McDonough and Det. Michael Sullivan, and began to conduct a canvass for witnesses. Shortly after arriving in the vicinity of Wingate Park, Lt. Ferris heard a call go over the radio reporting that patrol officers from the 71st Precinct were chasing several individuals on East New York Avenue in connection with the report of gunshots. Lt. Ferris observed several marked and unmarked police vehicles leaving the vicinity of Wingate Park so the detectives got into their unmarked vehicle and followed the other police vehicles. Lt. Ferris did not receive the address or physical description of any building into which the individuals may have been observed fleeing.

Lt. Ferris drove to East New York Avenue and met with several patrol officers who were taking cover outside a building, later identified as § 87(2)(b). Lt. Ferris stated that he most likely spoke with a supervising officer on the scene but did not recall the identity of the supervising officer. Lt. Ferris recalled that the unidentified supervising officer on the scene informed him that the individuals who the patrol officers had been chasing had run into the building. Lt. Ferris, Det. McDonough, and Det. Sullivan entered the building through the set of two front doors. Lt. Ferris initially did not recall if any other officers entered the building before the three detectives but stated later in the interview that both uniformed and plainclothes officers entered the building before him, Det. McDonough, and Det. Sullivan. The detectives walked upstairs on the front stairwell, located directly inside the front doors, to the § 87(2)(b) hallway. Lt. Ferris stated that he did not have any information linking the flight of the individuals

suspected of firing gunshots specifically to the § 87(2)(b) floor of the building but that he went “up with the crowd” of officers.

Lt. Ferris stated that he observed two apartments connected to the § 87(2)(b) -floor hallway, one toward the front of the building and one at the back. Lt. Ferris stated that he observed several uniformed and plainclothes officers present in the § 87(2)(b) -floor hallway but did not see any officers enter either of the § 87(2)(b) -floor apartments. Lt. Ferris did not recall whether the door to the back apartment was open when he walked upstairs.

Lt. Ferris observed the contents of a hallway closet spilling out into the hallway and when he investigated the closet, discovered a ladder inside, leading to the roof. Det. McDonough was the only of the three detectives to be wearing a bullet-proof vest at the time, so was the first to ascend the ladder. Lt. Ferris climbed the ladder behind Det. McDonough and Det. Sullivan followed him. Lt. Ferris did not have his gun drawn, as the corridor in which the ladder was located was very narrow. § 87(2)(b), § 87(2)(f)

§ 87(2)(b) The detectives led § 87(2)(b) down the ladder and when he was standing in the § 87(2)(b) -floor hallway, they placed handcuffs on his wrists. The detectives led § 87(2)(b) outside, where he was placed in a marked patrol car and transported to the 71st Precinct stationhouse by several unidentified officers in uniform.

At no point while he was in the building did Lt. Ferris enter any apartments. § 87(2)(b), § 87(2)(f)

Lt. Ferris later came to know that patrol officers from the 71st Precinct had recovered several firearms in the alleys behind § 87(2)(b). Patrol officers informed Lt. Ferris that they had apprehended several individuals in connection with the incident. Lt. Ferris did not come to know the identities of these individuals and did not observe them upon exiting the building.

Sgt. Vincent D’Ambrosio was interviewed at the CCRB on May 7, 2009 (encl. 17a-17d). Sgt. D’Ambrosio is a § 87(2)(b) -year-old Caucasian male officer, standing six feet, two inches tall, weighing two-hundred-twenty-five pounds, with black hair and brown eyes. He is a nine-year veteran of the NYPD. On April 17, 2008, Sgt. D’Ambrosio worked from 5:15 pm until 2:12 am on the following day as the impact sergeant, an assignment that entails supervising new recruits. Sgt. D’Ambrosio was working with PO Daniel Priber of the 71st Precinct and was assigned to the marked patrol car, 1626. Both officers were dressed in uniform.

On April 17, 2008, at approximately 6:00 pm, Sgt. D’Ambrosio was patrolling within the 71st Precinct with PO Priber when he heard an officer request assistance over the radio. When Sgt. D’Ambrosio and PO Priber responded to the location, § 87(2)(b) in Brooklyn, Sgt. D’Ambrosio observed numerous officers already present on the scene. Sgt. D’Ambrosio stated that the majority of the officers on the scene were dressed in uniform but recalled that several plainclothes officers may have been present. Sgt. D’Ambrosio determined that there were already enough officers present on the scene, so he returned to the 71st Precinct stationhouse with PO Priber.

At an unknown time (approximately 8:00 pm, according to the 71st Precinct command log), two uniformed officers, identified by the investigation as PO Frank Bulzoni and PO Paul Parkinson of the 71st Precinct, led an individual who had been arrested in connection with the incident at East New York Avenue, identified by the investigation as § 87(2)(b) to the front desk of the 71st Precinct stationhouse. When the officers brought § 87(2)(b) to the desk, Sgt. D’Ambrosio was sitting at the front desk with another unidentified supervising officer. PO Bulzoni recorded the arrest of § 87(2)(b) in the command log. A female police officer, identified by the investigation as PO Marlene Welch of the 71st Precinct, led § 87(2)(b) to the women’s restroom, located approximately ten-to-fifteen feet away from the front desk,

frisk and search her for weapons. At no point did any supervising officer authorize a strip search of § 87(2)(b) and at no point did any officer consider strip-searching § 87(2)(b) to be necessary.

Inside the restroom, PO Welch removed § 87(2)(b)'s handcuffs so that she could frisk her, at which point § 87(2)(b) became irate and initiated a physical interaction with PO Welch. Sgt. D'Ambrosio heard screaming coming from the restroom from where he was sitting at the front desk. Sgt. D'Ambrosio and an unknown number of additional unidentified male and female officers entered the restroom to assist PO Welch. Sgt. D'Ambrosio did not recall the names of any of the officers who accompanied him in the restroom, if any of the officers had also been present at § 87(2)(b) or if the other supervising officer sitting at the front desk of the stationhouse also responded to the altercation in the restroom. Sgt. D'Ambrosio did not recall whether any officers besides PO Welch entered the restroom before him. He stated that, inside the restroom, officers used the minimal amount of force necessary to place § 87(2)(b) in handcuffs. Officers grabbed § 87(2)(b)'s hands, pulled her arms behind her back, and placed her in handcuffs. § 87(2)(b) attempted to resist the officers' efforts by flailing her arms about, perpendicular from the sides of her abdomen. Sgt. D'Ambrosio did not recall whether § 87(2)(b) ever fell to the ground inside the restroom.

Sgt. D'Ambrosio did not recall seeing any other individuals who had been arrested at § 87(2)(b) at any point while he was at the stationhouse. Sgt. D'Ambrosio did not recall whether § 87(2)(b) complained of any injuries either upon entering the 71st Precinct stationhouse or upon exiting the restroom. Sgt. D'Ambrosio did not recall any officers cursing at any point inside the 71st Precinct or otherwise on the date of the incident.

Officers Not Interviewed

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Medical Records

On § 87(2)(b), § 87(2)(b) sought medical attention at § 87(2)(b) and was treated by § 87(2)(b) (encl. 19a-19r). In the emergency department, § 87(2)(b) stated that, at the 71st Precinct stationhouse, officers slammed her face against a desk, pulled her hair, struck her with a baton, and hit her about the body. It was determined that § 87(2)(b) had no fractures or dislocations and she was prescribed ibuprofen for pain.

Police Department Documents

The 71st Precinct roll call (encl. 22a-22m) for tour three on the date of the incident confirmed that Sgt. Pilnacek was assigned to the patrol supervisor assignment, that Sgt. D'Ambrosio was assigned to the Impact supervisor assignment, that PO Bulzoni and PO Parkinson were assigned to conditions within the confines of the 71st Precinct, and that PO Peart and PO Welch were assigned to desk assignments inside the 71st Precinct stationhouse. The 71st Precinct detective squad roll call (encl. 23a-23g) confirmed that Lt. Ferris was on duty as the commanding officer for team one of the robbery apprehension module and that Det. McDonough was assigned to an investigator assignment on team one of the robbery apprehension module at the time of the incident.

The 71st Precinct command log (encl. 25a-25Aa) confirmed that PO Bulzoni logged the arrests of § 87(2)(b) and § 87(2)(b) into the command log at 8:00 pm on the April 17, 2008. PO Bulzoni reported the condition of § 87(2)(b) and § 87(2)(b) as "normal" and that of § 87(2)(b) as "combative/irate."

The 71st Precinct prisoner holding pen roster (encl. 24a-24e) confirmed that PO Bulzoni initially logged § 87(2)(b) and § 87(2)(b) into the roster at 8:00 pm on April 17, 2008. The four individuals were transported to Brooklyn Central Booking at 11:25 am on April 18, 2008.

The SPRINT report for job number § 87(2)(b) (encl. 21a-21j) confirmed that multiple callers called 911 to report gunshots fired in the vicinity of New York Avenue, beginning at 6:28 pm on the date of the incident. As the individuals suspected of firing gunshots fled the location, 911 callers and passers-by provided updated information regarding the physical descriptions of the individuals and their location, information which was relayed to officers by the central command dispatcher. The SPRINT confirmed that, at 7:31 pm, four individuals were arrested at § 87(2)(b)

The SPRINT report for job number § 87(2)(b) (encl. 21a-21j) confirmed that officers arrested one individual on the roof of § 87(2)(b) at 6:59 pm and arrested two additional individuals on the roof of § 87(2)(b) at 7:01 pm on the date of the incident.

Civilian CCRB and Conviction History

To date, § 87(2)(b) has not filed any other complaints with the CCRB (encl. 6a). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(g)]

Officer CCRB History

Sgt. Pilnacek has had two allegations of misconduct substantiated by the CCRB in her twenty-one-year tenure with the NYPD (encl. 2a-2d). In the first allegation, in CCRB case number 9102854, the CCRB recommended command discipline but the NYPD did not record a disposition. In the second allegation, in CCRB case number 200808021, the CCRB recommended charges and the NYPD imposed command discipline. PO Parkinson has had no allegations substantiated by the CCRB in his four-year tenure with the NYPD (encl. 4a-4b). PO Bulzoni has had no allegations substantiated by the CCRB in his four-year tenure with the NYPD (encl. 5a). PO Welch has had no allegations substantiated by the CCRB in her eighteen-year tenure with the CCRB (encl. 3a).

Conclusions and Recommendations

Officer Identification

In her statement, Sgt. Pilnacek identified herself as the first supervising officer to arrive at § 87(2)(b). Sgt. Pilnacek confirmed that she received several eyewitness reports and 911 calls indicating that the individuals suspected of firing gunshots had fled into the building and confirmed that she put a call over the radio requesting additional units at the location. PO Bulzoni confirmed that he and PO Parkinson traveled to the location in response to Sgt. Pilnacek's call for additional units. In her statement, § 87(2)(b) identified PO Bulzoni and PO Parkinson as the two officers who led her out of the apartment and transported her to the 71st Precinct stationhouse by observing their nameplates during the interaction. § 87(2)(b) also stated that she recognized PO Parkinson from past interactions. PO Bulzoni and PO Parkinson confirmed their roles in the arrests and transportation of § 87(2)(b) and § 87(2)(b). § 87(2)(b) identified PO Welch as the officer who led her to the private bathroom inside the 71st Precinct stationhouse with the intention of searching her by hearing other officers address her by her last name. PO Welch confirmed that she was the first officer to enter the stationhouse bathroom with § 87(2)(b). The investigation was unable to identify the officers who used profanity upon entering the § 87(2)(b) -floor apartment; the officers who entered the 71st Precinct stationhouse restroom to assist PO Welch; and the officer who placed his foot on § 87(2)(b)'s neck inside the § 87(2)(b) -floor apartment and said, "Cuff this bitch." § 87(2)(g)

Undisputed Facts

All parties interviewed agreed that numerous uniformed and plainclothes police officers entered a § 87(2)(b) floor apartment of § 87(2)(b) and arrested § 87(2)(b) and § 87(2)(b). It is undisputed that Sgt. Pilnacek requested additional police officers to respond to and secure the location and that she requested that PO Parkinson and PO Bulzoni transport § 87(2)(b) and § 87(2)(b) to the stationhouse. It is also undisputed that PO Welch entered a private restroom inside the

71st Precinct stationhouse with § 87(2)(b) with the intention of searching her and that a physical altercation resulted, requiring additional officers to enter the restroom.

Disputed Facts

§ 87(2)(g)

Assessment of Evidence

§ 87(2)(g) In her statement, § 87(2)(b) described the front stairwell as leading from the § 87(2)(b)-floor hallway, inside the front doors to the building, directly into § 87(2)(b)'s § 87(2)(b)-floor apartment. In § 87(2)(b)'s account, the § 87(2)(b) floor of the building could contain only one apartment. In his statement, Det. McDonough described the § 87(2)(b) floor of the building similarly. Det. McDonough stated that the stairwell leading from the first floor hallway to the § 87(2)(b) floor opened up into an apartment on the § 87(2)(b) floor, with a bedroom on either end of the hallway. Lt. Ferris, who entered the building with Det. McDonough, described the § 87(2)(b) floor of the building differently; Lt. Ferris stated that the stairwell led into a § 87(2)(b)-floor hallway with separate apartments on each end and that officers had entered the § 87(2)(b)-floor apartment to the rear of the building. § 87(2)(f)

§ 87(2)(g)

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED] PO Parkinson denied § 87(2)(b)'s allegation that he bent her hand toward her forearm at the wrist
§ 87(2)(g) [REDACTED] PO Parkinson
stated that § 87(2)(b) cursed at him as he led her down from the apartment but that she did not
physically resist being led out of the building. PO Bulzoni confirmed that, when PO Parkinson led § 87(2)(b)
§ 87(2)(b) down the stairs and out of the building, she did not appear to be physically resisting his efforts.

§ 87(2)(g)

PO Parkinson stated that, at one point during the ride back to the stationhouse, § 87(2)(b) threatened to beat him up and that he replied, in jest, that she could fight him when they got back to the stationhouse. § 87(2)(b)

Neither PO Parkinson nor PO Bulzoni confirmed § 87(2)(b)'s allegation that PO Parkinson told § 87(2)(b) "I hit females." § 87(2)(g)

None of the five officers interviewed who were present at the 71st Precinct stationhouse when § 87(2)(b) was taken into the bathroom to be searched confirmed her allegations that officers kicked her, punched her, and struck her with objects inside the bathroom. § 87(2)(g)

Allegation A: Sgt. Dolores Pilnacek authorized the entry of § 87(2)(b) in Brooklyn.
Allegation C: Inside § 87(2)(b) in Brooklyn, officers pointed their guns at § 87(2)(b) and § 87(2)(b)

The United States Supreme Court extended the protections afforded to the inviolability of private premises by the Fourth Amendment in Payton v. New York, 445 U.S. 573 (1980), but allowed for the warrantless entry into a suspect's home to effect a felony arrest when exigent circumstances were present (encl. 1Aa). The New York State Court of Appeals, as well as federal courts, has tailored the exigent circumstances exception to individuals' Fourth Amendment protections. The Court has determined that, in order for exigent circumstances to exist, several factors must be considered, including: "(1) the gravity or violent nature of the offense; (2) whether there is reason to believe the suspect is armed; (3) whether there is a reliable basis for believing the suspect is in the premises at issue; (4) whether there is probable cause to believe that the suspect committed the crime; (5) the likelihood that the suspect will escape if not quickly apprehended," among others (encl. 1Ae-1Af). § 87(2)(g)

[illegible]

In its decision in United States v. Santana, 427 U.S. 38 (1976), the United States Supreme Court held that police officers may enter an individual's home without a warrant if they enter in "hot pursuit" of an individual suspected of committing a crime (encl. 1Ai-1Aj). The Court requires that officers possess a reasonable suspicion that, "the suspect has committed a crime and that he has fled to the specific premises the police are entering" (encl. 1z), a requirement that Sgt. Pilnacek clearly satisfied. Furthermore, the New York State Court of Appeals held in People v. Mitchell, 39 N.Y.2d 173 (1976) that officers may enter premises without a warrant when officers "have reasonable grounds to believe that there is an emergency at hand and that there is an immediate need for their assistance for the protection of life or property" (encl. 1r-1y).

§ 87(2)(g)

§ 87(2)(g)

As noted in *PD v. Gliner*, police department procedure and relevant case law afford police officers a wide latitude of discretion in drawing their firearms (encl. 1f-1l).

§ 87(2)(g)

Allegation F: At § 87(2)(b) PO Paul Parkinson used physical force against § 87(2)(b)

Allegation I: Inside the 71st Precinct stationhouse, PO Marlene Welch used physical force against § 87(2)(b)

Allegation J: Inside the 71st Precinct stationhouse, PO Frank Bulzoni used physical force against § 87(2)(b)

Allegation K: Inside the 71st Precinct stationhouse, Paul Parkinson used physical force against § 87(2)(b)

Allegation M: Inside the 71st Precinct stationhouse, PO Paul Parkinson damaged § 87(2)(b)'s property.

Allegation N: Inside the 71st Precinct stationhouse, PO Frank Bulzoni hit § 87(2)(b) against a desk.

§ 87(2)(g)

Allegation B: At § 87(2)(b) in Brooklyn, officers spoke obscenely and/or rudely to § 87(2)(b)

and § 87(2)(b)

Allegation D: Inside § 87(2)(b) in Brooklyn, an officer used physical force against § 87(2)(b)

Allegation E: Inside § 87(2)(b) in Brooklyn, an officer made remarks to § 87(2)(b) based upon her sex.

Allegation H: Inside the 71st Precinct stationhouse, officers used physical force against § 87(2)(b)

Allegation L: Inside the 71st Precinct stationhouse, an officer struck § 87(2)(b) with an asp.

§ 87(2)(g)

Allegation G: Inside a police vehicle, PO Paul Parkinson threatened § 87(2)(b) with the use of force.

§ 87(2)(g)

Investigator:
Jonathan Hutchinson
Supervisor:
Reviewed by:
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Date:
Date:
Date:
Date: